IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

-

WRIT PETITION NO : 19200 of 2004

Between:

1. Chinta Koteswara Rao, S/o. Narasaiah, Occu:Electrician,
   R/o Dosakailapadu, Thalluru Mandal, Prakasam district.
2. D.Sree Rama Murthy, S/o.Jagannadha Rao, Occu:Shift Helper,
   Medarmetla Sub Station, R/o Medarmetla, Prakasam District.

..... PETITIONERS

AND

1. Chairman & Managing Director, Southern Power Distribution

Compnay Limited, Tirupati, Chittoor District.
2. Superintending Engineer, Southern Power Distribution Co.

Limited, Ongole, Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in rejecting the candidature of petitioners without giving any reasons vide letter dt. 27/09/2004 as illegal, arbitrary and violative of principles of natural justice and consequently direct the respondents to consider the petitioners candidature for relaxation of age and Trade as per the directions of this Hon'ble Court as well as instructions issued in B.P.Ms.Nos.36 and 37.

Counsel for the Petitioners: MR.SREENIVASA RAO VELIVELA
Counsel for the Respondent Nos.1&2: MR.S.RAVINDRANATH

The Court at the stage of admission made the following :

-

-

-

THE HONOURABLE DR.JUSTICE G.YETHIRAJULU

Writ Petition No. 19200 of 2004

ORDER:

The petitioners are contending that they are working as Contract Labourers in the first respondent-Organization under the control of the second respondent. They are qualified to hold the posts of Junior Lineman. The cases of the petitioners were rejected by the second respondent through separate proceedings dated 27.09.2004 by mentioning that they cannot be considered for appointment as Contract Junior Lineman, as they are age barred. The petitioners contend that there is a specific direction from the Chief Engineer, H.R.D., A.P.S.P.D.C.L., Tirupati of June, 2002, and Clause (2) of the said Memo reads as follows:

> "2) All the Superintending Engineers/Officers of A.P.S.P.D.C. Limited are requested to engage the Village Electricity Workers existing as on 24.05.2002 as Contract Junior Lineman on consolidated payment of Rs.3,000/- per month with relaxation of qualification and age whenever necessary, initially for a period of one year duly implementing the condition laid down in the above A.P. Transco letter."

2. The learned Counsel for the petitioners contends that by virtue of the said instructions, the respondents are expected to relax the age of the petitioners and consider them for appointment as Contract Junior Linemen.

3. The grievance of the petitioners is that since the second respondent did not refer to the Memo of June, 2002, the impugned orders dated 27.09.2004 cannot be sustained.

4. In the light of the submissions made by the learned Counsel for the petitioners, the

petitioners are directed to make representations to the second respondent, by enclosing the copy of the Memo of June, 2002 of the Chief Engineer, H.R.D., A.P.S.P.D.C.L., Tirupati and on receipt of such representations, the second respondent is directed to consider the contents of the said Memo and the representations and pass appropriate orders, regarding the exemption of the age of the petitioners.

5. The writ petition is accordingly disposed of. No order as to costs.

_____

Dr.G.YETHIRAJULU, J

Date: 14th October, 2004.

Cs

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Chairman & Managing Director, Southern Power

Distribution Compnay Limited, Tirupati, Chittoor District.
2. The Superintending Engineer, Southern Power Distribution Co.

Limited, Ongole, Prakasam District.

3. Two C.D. copies.